

HOUSE No. 2349

By Mr. deMacedo of Plymouth, petition of Thomas J. O'Brien and others relative to authorizing towns to freeze the rate and valuation of taxes on certain real property. Revenue.

The Commonwealth of Massachusetts

PETITION OF:

Thomas J. O'Brien
Therese Murray

Viriato Manuel deMacedo

In the Year Two Thousand and Five.

AN ACT TO FREEZE THE RATE AND VALUATION OF TAXES ON REAL PROPERTY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 The town may provide, by bylaw, a freeze on the rate and valu-
2 ation of taxes on real property for any person who is sixty-five
3 (65) years or older if that person's income, together with the
4 income of the spouse of such person and any other person who
5 resides within such residence, does not exceed \$45,000.00 for the
6 immediately preceding taxable year.

7 The property taxes must have been imposed upon a residence
8 that was occupied by the person claiming a freeze on the rate and
9 valuation of taxes on real property as a principal place of resi-
10 dence as of the time of filing.

11 No claimant shall receive a freeze on the rate and valuation of
12 taxes on real property on more than one residence in any year.

13 The confinement of the person to a hospital, nursing home,
14 boarding home, or adult family home shall not disqualify the
15 claim of a freeze on the rate and valuation of taxes on real prop-
16 erty if:

17 (a) The residence is temporarily unoccupied (minimum 3
18 months);

19 (b) The residence is occupied by a spouse and/or a person
20 financially dependent on the claimant for support; or

21 (c) The residence is rented for the purpose of paying nursing
22 home, hospital, boarding home, or adult family home costs.

23 The person claiming a freeze on the rate and valuation of taxes
24 on real property must have owned as a principle residence for a
25 minimum of five years, at the time of filing, in fee, as a life estate,
26 the residence on which the property taxes have been imposed or if
27 the person claiming a freeze on the rate and valuation of taxes on
28 real property lives in a cooperative housing association, corpora-
29 tion, or partnership, such person must own a share therein repre-
30 senting the unit or portion of the structure in which he or she
31 resides. For purposes of this Act, a residence owned by a marital
32 community or owned by co-tenants shall be deemed to be owned
33 by each spouse or co-tenant, and any lease for life shall be
34 deemed a life estate.

35 The person claiming a freeze on the rate and valuation of taxes
36 on real property must be sixty-five years of age or older on
37 December 31st of the year in which a freeze on the rate and valua-
38 tion of taxes on real property claim is filed, PROVIDED, that any
39 surviving spouse of a person who was receiving a freeze on the
40 rate and valuation of taxes on real property at the time of the per-
41 son's death shall qualify if the surviving spouse is sixty years of
42 age or older and otherwise meets the requirements of this Act.

43 This Act does not apply to subsequent improvements to the
44 property in the year in which the improvements are made. Subse-
45 quent improvements to the property shall be added to the value
46 otherwise determined under this Act at their true and fair value in
47 the year in which they are made.

48 The primary residence shall not contain more than five con-
49 tiguous acres of land immediately surrounding such residence.

50 'Income' means federal adjusted gross income, from all sources
51 as defined in the Internal Revenue Code of 1986, as amended.

52 A person shall not receive a freeze on the rate and valuation of
53 taxes on real property granted by this Act unless the person or
54 person's agent files yearly an application with the Assessors of the
55 Town.

56 Said application shall give the person's age and the amount of
57 gross income which the person and the person's spouse and any

58 other persons residing within such residence received during the
59 last taxable year, and such additional information relative to
60 receiving such a freeze on the rate and valuation of taxes on real
61 property as will enable the Assessors to make a determination as
62 to whether such owner is entitled to such a freeze on the rate and
63 valuation of taxes on real property.

64 The Assessors shall provide application forms for a freeze on
65 the rate and valuation of taxes on real property granted by this Act
66 which shall require such information as may be necessary to
67 determine the initial and continuing eligibility of the owner for a
68 freeze on the rate and valuation of taxes on real property.

69 A claimant must not owe any delinquent taxes on the residence
70 for previous years.